

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Boxabl Inc.,

Plaintiff

v.

Yanni Tassev,

Defendant

Case No. 2:23-cv-00760-CDS-MDC

**Ordering Plaintiff to Move for Default  
or Show Cause**

Plaintiff Boxabl Inc. brought this lawsuit against defendant Yanni Tassev in the Southern District of New York in April of 2023. Compl., ECF No. 1. Because the employment and confidentiality agreements relevant to this action contained a provision requiring any lawsuit arising from the agreements be brought in federal or state court in Nevada, this case was transferred to the District of Nevada in May 2023. ECF Nos. 12; 13. Two months later, I ordered Boxabl to attempt service upon Tassev and file proof of service by August 4, 2023. Min. order, ECF No. 35. Magistrate Judge Cam Ferenbach (Ret.) granted two extensions of time—allowing Boxabl up to and including September 11, 2023, and then October 11, 2023—to perfect service. ECF Nos. 39; 43. Boxabl sought a third extension of time to serve Tassev with the summons, complaint, and the emergency motion for temporary restraining order and preliminary injunction. Mot., ECF No. 44. After a hearing on the matter, Boxabl had until November 30, 2023, to effectuate service. Min. order, ECF No. 46. It did not; so, the following day, Boxabl moved for service by publication and to extend the time to serve Tassev. ECF No. 47. On January 2, 2024, Judge Ferenbach found good cause to allow Boxabl to serve Tassev through publication, U.S. mail, and email. Order, ECF No 48. Proof of service was due by February 29, 2024. *Id.* Prior to the deadline, Boxabl's counsel filed a declaration of service averring that Tassev was served with the summons and complaint: (1) via U.S. mail on January 23, 2024; (2) through publication

1 on January 24, 31, February 7, 14, 2024; and (3) by email on February 16, 2024. ECF No. 50 at 2–  
2 3. Four months later, Tassev has neither filed an answer to the complaint nor otherwise  
3 appeared; yet, Boxabl has not requested an entry of default and moved for default judgment  
4 against him.

5       Consequently, Boxabl is ordered to move for default against Tassev or show cause  
6 why it is not doing so by July 11, 2024. Alternatively, Boxabl may voluntarily dismiss the  
7 complaint. Failure to respond by the deadline will be deemed consent to dismissal under Fed. R.  
8 Civ. P. 41(b).

9       Dated: June 20, 2024

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12 Cristina D. Silva  
13 United States District Judge  
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